

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

BRIAN ALLEN KIBBEY §
v. § CIVIL CASE NO. 4:21-CV-799-SDJ
COLLIN COUNTY DETENTION §
FACILITY, ET AL. §

**MEMORANDUM ADOPTING THE REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On March 1, 2023, the Report of the Magistrate Judge, (Dkt. #128), was entered containing proposed findings of fact and recommendations that Defendant Southwest Correctional Medical Group, PLLC’s 12(b)(6) Motion to Dismiss, (Dkt. #95), be granted and *pro se* Plaintiff Brian Allen Kibbey’s claims against such Defendant be dismissed. Having assessed the Report, and no objections thereto having been timely filed, the Court determines that the Magistrate Judge’s Report should be adopted.

It is therefore **ORDERED** that Defendant Southwest Correctional Medical Group, PLLC’s 12(b)(6) Motion to Dismiss, (Dkt. #95), is **GRANTED**. *Pro se* Plaintiff Brian Allen Kibbey’s claims against this Defendant Southwest Correctional Medical Group, PLLC, alleged to be improperly identified as Wellpath Care are **DISMISSED**.

So ORDERED and SIGNED this 20th day of March, 2023.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE